



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-1370 FAX (603) 271-1381



September 23, 2003

John Parisi  
Director of Building Services  
Crotched Mountain Rehabilitation Center  
One Verney Drive  
Greenfield, New Hampshire 03047

**CERTIFIED MAIL (7099 3400 003 0687 3568)**  
**RETURN RECEIPT REQUESTED**

**NOTICE OF PAST VIOLATION**

Dear Mr. Parisi:

On April 5, 2002 the New Hampshire Department of Environmental Services, Air Resources Division ("DES") conducted a compliance inspection of Crotched Mountain Rehabilitation Center ("CMRC") in Greenfield, NH. The purpose of the inspection was to determine CMRC's compliance status with NH Administrative Rules Env-A 100 *et seq* and Temporary Permit # FP-T-0018, which had expired without renewal on March 31, 2000. The purpose of this letter is to notify you of the violation(s) discovered during the April 5, 2002 inspection and subsequent file review, and to document those and other violations discovered by DES and that have since been corrected.

Background

DES issued Temporary Permit FP-T-0018 ("the Temporary Permit") to CMRC on September 28, 1998. Condition VIII.A of the Temporary Permit required CMRC to conduct EPA Method stack tests on Engines #1 and #2 within 60 days of achieving maximum production rates, but not later than 180 days from issuance of the Temporary Permit (i.e. by March 27, 1999). If the results of the testing showed that CMRC was a major source of NOx emissions, then Condition XI.C of the Temporary Permit required CMRC to submit an application for a Title V permit to DES within one month of DES approval of the stack test results. If the results of the test showed that CMRC's potential emissions of NOx were less than the major source threshold, then Condition XI.D of the Temporary Permit required CMRC to submit an application for a minor or synthetic minor permit to DES within one month of DES approval of the stack test results.

CMRC experienced multiple problems with the Engines #1 and #2 which repeatedly postponed scheduled emissions testing of the engines. The Temporary Permit allowed the installation of a new Engine #2. The engine was installed on November 9, 1998. This engine failed 4 days later (November 13, 1998). A letter was received from CMRC, dated March 19, 1999, to notify DES that it had replaced Engine #2. Engine #1 failed in July 1999 and was replaced with a new Engine #1. The replacement engine for Engine #1 failed shortly after installation in July 1999 after having a fire in the breeching. The engine was rebuilt but still had operational problems and was planned to be replaced. The emissions testing which had been scheduled for July 1999 were postponed. A letter was received from CMRC, dated November 2, 1999, to notify DES that it was still unable to test Engine #1 because it had not yet installed a replacement engine. DES was notified by telephone on January 6, 2000 that Engine #2 threw a rod at approximately 10,000 hours of operation, and that Engine #2 would be replaced. On January 11, 2000, CMRC notified DES by email that a new Engine #1 was installed on January 3, 2000. CMRC installed a replacement engine for Engine #2 on June 1, 2000.

The Temporary Permit had an expiration date of March 31, 2000. Env-A 607.02(b) states that an application for the re-issuance of a temporary permit shall be considered timely if it is received by DES at least 90 days prior to the designated expiration date of the temporary permit. Env-A 608.02(a) states that for a source that has been issued a temporary permit, and has demonstrated compliance through testing, an application for a state permit to operate shall be considered timely if it is received by DES at least 90 days prior to the designated expiration date of the temporary permit.

Since CMRC had not yet completed the compliance testing required by the Temporary Permit, it was required to submit an application for a re-issuance of the Temporary Permit at least 90 days prior to its expiration, or by December 31, 1999. CMRC did not submit an application for renewal of the Temporary Permit at least 90 days prior to its expiration.

The testing required by Condition VIII of the Temporary Permit was performed on Engine #1 on January 26, 2000. The test report was submitted to DES on March 14, 2000 and the technical review was completed by DES on April 4, 2000. The testing required by Condition VIII of the Temporary Permit was performed on Engine #2 on October 27, 2000. The test report was submitted to DES on January 10, 2001. On February 14, 2001, DES sent a letter of acceptance of the stack test results to CMRC. Conditions X.C and X.D of the Temporary Permit required CMRC to submit an application for a Title V permit or for a minor or synthetic minor permit within one month of DES's approval of the stack test results of the engines. CMRC did not submit an application for a new permit within one month of DES's approval of the stack test results.

Condition IX.C of the Temporary Permit required CMRC to submit quarterly reports to DES no later than 30 days after the end of each calendar quarter. The reports were to contain the information required to be maintained by Conditions IX.B.1 and IX.B.2 of the Temporary Permit. The information that should have been reported included the monthly fuel consumption for Engines #1, #2 and #3 and the Highlander boiler, a rolling 12-month total of fuel consumption for each device, and monthly NOx emissions from each device. The quarterly reports for the calendar quarters of 2000, 2001 and 2002 were not submitted to DES as required by the Temporary Permit.

Condition IX.E of the Temporary Permit required CMRC to comply with the applicable NOx reporting requirements of Env-A 900. Env-A 900 requires CMRC to submit an annual report of NOx emissions and fuel consumption to DES no later than April 15 of the following year. The annual reports must also contain information on fuel sulfur content, and hours of operation and days of operation per calendar month. The reports for calendar years 2000 and 2001 were required to be submitted by April 15 of 2001 and 2002, respectively. In letters to CMRC dated July 11, 2002, August 9, 2002, and finally October 23, 2002, DES requested that CMRC submit the annual emission reports. CMRC submitted the reports to DES on November 18, 2002.

Condition X of the Temporary Permit and Env-A 704 require CMRC to pay an emission-based fee each calendar year by October 15 of the following year. The deadline for payment of calendar year 2001 emissions was extended to December 15, 2002. CMRC submitted the emission-based fees for calendar years 2000 and 2001 on November 18, 2002.

On April 15, 2002, after the compliance inspection, CMRC submitted to DES an application for a State Permit to Operate. However, in a letter dated May 29, 2002, CMRC requested that it instead be permitted under the Title V program. DES responded to CMRC in a letter dated July 11, 2002 that CMRC needed to submit a complete Title V application in order to obtain a Title V permit. CMRC sent a follow-up letter dated July 24, 2002 requesting that the permitting process be postponed until August 30, 2002 while it negotiated to purchase its power from PSNH. On August 9, 2002, DES sent a letter to CMRC requesting that CMRC respond by August 31, 2002 as to how it intended to proceed with the permitting process. In addition, the letter reminded CMRC that it still must submit the annual emissions data for calendar years 2000 and 2001 that had been required to be submitted by April 15 of 2001 and 2002, respectively. On August 21, 2002, CMRC sent a letter to DES in which it requested to proceed with the process of being permitted as a synthetic minor source. On November 18, 2002, CMRC submitted to DES the remaining information, including the annual emissions data, necessary for DES to resume the permitting process.

### Violations

Based upon the information above, DES has identified the following violations at CMRC:

1. CMRC did not submit a permit application or ARD-2 form to DES prior to the replacement of Engine #1 in July 1999, as required by Env-A 603.01(a);
2. CMRC did not submit a permit application or ARD-2 form to DES prior to the replacement of Engine #1 on January 3, 2000, as required by Env-A 603.01(a);
3. CMRC did not submit a permit application or ARD-2 form to DES prior to the replacement of Engine #2 on June 1, 2000, as required by Env-A 603.01(a);
4. CMRC did not submit an application for re-issuance of the Temporary Permit at least 90 days prior to the March 31, 2000 expiration date of the Temporary Permit, as required by Env-A 607.02(b);
5. CMRC did not submit an application for a Title V permit or for a minor or synthetic minor permit within one month of DES's approval of the stack test results of the engines, as required by Conditions X.C and X.D of the Temporary Permit;
6. CMRC did not submit the quarterly reports of the information to be maintained in accordance with Conditions IX.B.1 and IX.B.2 of the Temporary Permit, which included the monthly fuel consumption, rolling 12-month total of fuel consumption, and monthly NOx emissions for Engines #1, #2 and #3 and the Highlander boiler, that was required to be submitted to DES no later than 30 days after the end of each calendar quarter by Condition IX.C of the Temporary Permit;
7. CMRC did not submit the annual NOx emissions and fuel consumption reports for calendar years 2000 and 2001 required to be submitted to DES by Env-A 900 and Condition IX.E of the Temporary Permit no later than April 15 of the following year;
8. CMRC did not submit the emission-based fee for calendar years 2000 and 2001 required to be submitted to DES by Condition X of the Temporary Permit and Env-A 704 no later than October 15, 2001 for calendar year 2000 emissions and December 15, 2002 for calendar year 2001 emissions.

CMRC's submittal of the application for a State Permit to Operate on April 15, 2002, and its submittal on November 18, 2002 of the remaining information including the annual emissions data and emission-based fees for calendar years 2000 and 2001 addresses the violations noted in this Notice of Past Violation. Accordingly, DES issued State Permit to Operate FP-S-0209 to CMRC on April 8, 2003.

DES believes that no further action in response to the listed violations is required. DES requests that CMRC comply with all future reporting obligations contained in the State Permit to Operate. Should additional violations occur in the future and DES determines that enforcement action is necessary, such action may include issuing an administrative order, seeking administrative fines, and/or referring this matter to the New Hampshire Department of Justice for civil and/or criminal penalties.

If you believe that DES has cited these violations in error, or have questions regarding these matters, please contact Ray Walters at the Compliance Bureau, Air Resources Division, at (603) 271-6288. A current copy of the Air Resource Division rules can be obtained from the DES website at <http://www.des.state.nh.us/ard/ardrules.htm>, or by contacting the Public Information Center at (603) 271-2975.

Sincerely,

A handwritten signature in black ink is written over the word "COPY". The signature appears to be "P. G. Monroe".

Pamela G. Monroe  
Compliance Bureau Administrator  
Air Resources Division

PGM/raw

cc: M. Harbaugh, DES Legal Unit  
R. Kurowski, EPA Region I  
G. Rainier, Chairman of Selectmen, Town of Greenfield  
File AFS# 3301100034